

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**NATE A. LINDELL,**

Plaintiff,

**v.**

**Case No. 19-CV-827**

**BRIAN GREFF, ET AL.,**

Defendants.

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**ORDER**

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The defendants have filed a motion for summary judgment on the ground that plaintiff Nate Lindell did not exhaust his administrative remedies. (ECF No. 17.) They also contend that the court should stay merits discovery while their summary judgment motion is pending. (*Id.* at 1.) The exhaustion of administrative remedies is a condition precedent to suit. *Dixon v. Page*, 291 F.3d 485, 488 (7th Cir. 2002) (citing *Perez v. Wis. Dep't of Corr.*, 182 F.3d 532, 535 (7th Cir. 1999)). The court must address the exhaustion issue before turning to the merits of the case. *See Pavey v. Conley*, 544 F.3d 739, 740 (7th Cir. 2008). Any discovery concerning the merits of Lindell's claim is premature prior to the resolution of the defendants' motion for summary judgment based on exhaustion.

Lindell has filed a letter in which he says that he is willing to engage in mediation in all five of the cases he currently has pending in the Eastern District of Wisconsin. (ECF No. 21.) The court will refer this case for mediation if the defendants

are also interested in pursuing mediation. The defendants should notify the court if they would like a status conference to discuss mediation in Lindell's cases.

**THEREFORE, IT IS ORDERED** that the defendants' motion to stay merits discovery is (ECF No. 18) is **GRANTED**.

Dated at Milwaukee, Wisconsin this 2nd day of June, 2020.

  
WILLIAM E. DUFFIN  
U.S. Magistrate Judge